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COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

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**DATE:** May 30, 2007

**TO:** Cindy Keegan, Department of Planning

**FROM:** Mark Stultz, Deputy Zoning Administrator

**SUBJECT:** CPAM-2007-0001, Housing Policies

As requested, I am providing initial comments and observations regarding how the Zoning Ordinance may need amending to implement the proposed Housing Policies, if adopted.

1. Section 5-613 contains use regulations for accessory dwellings and apartments. This Section should be reviewed to ensure that it is adequate for addressing unmet housing needs.
2. With the creation of any new unit type to meet unmet housing needs, the Zoning Ordinance may need amending to include a definition of the new unit type and to permit it in various zoning districts. The 2 over 2 unit is an example of a unit type that isn't included in the Ordinance, and therefore has been determined to be most similar to a multi-family unit. The definition of a multi-family unit requires at least 5 units in a building.
3. Housing Policy # 1, on page 7 - Depending on the options established for addressing the unmet housing needs in the Transition Policy Area not covered by the ADU zoning ordinance, an Ordinance amendment will likely be necessary.
3. Housing Policy #2, on page 7 - Clarification is needed as to the unit type envisioned for the adaptive reuse of rural farm structures. In the AR districts, the current regulations would limit the conversion of these structures to a single family detached dwelling, an accessory dwelling, or for co-housing. Again accessory dwellings have additional regulations in 5-613. It is also important to note that the building code requires certain standards when converting non-residential structures to a residential use, which may make the conversion cost prohibitive.
4. Program and Incentives Policy #5, on page 8 - Depending on the incentives established to meet unmet housing needs, an Ordinance amendment will likely be needed to incorporate such incentives. The following comments are provided regarding the examples listed. The current ADU Ordinance allows for density bonuses for providing required ADUs. There is nothing in the Ordinance to allow for density bonuses beyond the current ADU Ordinance. Also, clarification is needed by what is meant by "density transfers". I don't believe there is enabling legislation to allow for density transfers. Furthermore, an Ordinance amendment will be needed to allow for modifications to the ADU zoning regulations beyond what is currently permitted (the amount of required ADUs and the timing of construction/availability of the ADUs). Zoning has also heard concerns from ADUAB that the compatibility and interspersion requirements for ADUs can be a

deterrent in providing affordable units. This should be reviewed with any proposed Ordinance amendment. (Modifications of non-ADU regulations are currently limited to only PD-districts.)

5. Legislation Policy #2, on page 9 - In addition to needed State enabling legislation, a Zoning Ordinance amendment will be needed to the ADU regulations to require ADUs in developments of less than 50 units and in buildings that are 4 stories or more in height with elevators.

6. Legislation Policy #3, on page 9 - More specifics are needed to determine if a Zoning Ordinance amendment is needed "to do as much as the state code allows to require the development of affordable housing." Coordination with the County Attorney's Office is needed to conduct this evaluation.

7. Legislation Policy #5, on page 9 - It is likely that an Ordinance amendment will be needed to allow for a broader range of housing types. Again, more specifics are needed as to what is meant by "alternative housing types" and what zoning districts would be appropriate for such housing types. In addition, I recommend that this Policy be reworded as follows: "The County will allow manufactured housing, accessory units, and other alternative housing types in all appropriate zoning districts."

The following are additional comments regarding the proposed Policy document that I don't believe were mentioned in the referral meeting held last Wednesday, May 23, 2007:

On page 3, paragraph 3, line #2 - I don't believe that the County has enabling legislation to require clustering, but rather can offer the cluster as a development option - with incentives to encourage that development pattern.

On page 3, paragraph 3, line #8 - While not in a specific Policy, additional clarification is needed by what is meant by "relaxation of use restrictions" to determine if an Ordinance amendment is necessary. The ADU Ordinance currently allows for decreased lot (lot size, lot width and yard) requirements and permits a variety of unit types in several districts.

On page 3, paragraph 3, line #11 - There is a reference to "existing villages and rural clusters" with regards to permitting accessory structures. I assume that these terms refer to the Village Conservation Overlay Districts (VCOD) and the AR-1 and AR-2 cluster options in the Zoning Ordinance. The VCOD does not have a specific use list, but rather the uses are based on the underlying zoning districts, which are typically A-3, RC and CR. Except for the RC, accessory dwelling are permitted uses, subject to the use standards in 5-613. RC does permit "residential uses". There is also a reference to allowing a variety of housing types in the JLMA districts. Currently, the JLMA-1, 2 and 3 districts permit accessory dwellings and SFD dwellings, including manufactured housing. Tenant dwellings require a SPEX in these districts. JLMA-20 permits SFD and tenant dwellings by right. Again the additional regulations of Section 5-602 and 5-613 apply to tenant and accessory dwellings.